

ESTTA Tracking number: **ESTTA143921**

Filing date: **06/04/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Kraft Foods Holdings, Inc.
Granted to Date of previous extension	06/03/2007
Address	Three Lakes Drive Northfield, IL 60093 UNITED STATES
Attorney information	Susan H. Frohling Kraft Foods Holdings, Inc. Three Lakes Drive Northfield, IL 60093 UNITED STATES trademark@kraft.com Phone:847-646-8657

Applicant Information

Application No	78859988	Publication date	12/05/2006
Opposition Filing Date	06/04/2007	Opposition Period Ends	06/03/2007
Applicant	Dannon Company, Inc., The 100 Hillside Avenue, Floor 3 White Plains, NY 106032863 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. All goods and services in the class are opposed, namely: Yogurt, yogurt-based beverages; dairy-based snack foods, excluding ice cream, ice milk, and frozen yogurt; dairy-based beverages, dairy products excluding ice cream, ice milk and frozen yogurt
Class 032. All goods and services in the class are opposed, namely: Fruit juices and fruit drinks; fruit-based beverages with yogurt; smoothies; soft drinks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1652451	Application Date	08/16/1990
Registration Date	07/30/1991	Foreign Priority	NONE

		Date	
Word Mark	JIGGLERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 molds and cutters for shaping gelatin		

U.S. Registration No.	1756773	Application Date	12/23/1991
Registration Date	03/09/1993	Foreign Priority Date	NONE
Word Mark	JIGGLERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1990/03/00 First Use In Commerce: 1990/03/00 printed recipes		

U.S. Registration No.	1771681	Application Date	01/15/1992
Registration Date	05/18/1993	Foreign Priority Date	NONE
Word Mark	JIGGLERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1990/03/00 First Use In Commerce: 1990/03/00 sweetened gelatin		

U.S. Registration No.	2101603	Application Date	11/01/1996
Registration Date	09/30/1997	Foreign Priority Date	NONE
Word Mark	JIGGLERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1995/04/03 First Use In Commerce: 1995/04/03 flavored and sweetened gelatin pieces		

U.S. Registration No.	2139686	Application Date	07/23/1996
Registration Date	02/24/1998	Foreign Priority Date	NONE
Word Mark	CREEPY JIGGLERS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 021. First use: First Use: 1995/10/00 First Use In Commerce: 1995/10/00 molds and cutters for shaping gelatin
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U.S. Registration No.	2170144	Application Date	07/24/1996
Registration Date	06/30/1998	Foreign Priority Date	NONE
Word Mark	EGG JIGGLERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1995/03/12 First Use In Commerce: 1995/03/12 molds and cutters for shaping gelatin		

Attachments	Exhibit A Wigglers.pdf (10 pages)(3172191 bytes) Exhibit B Wigglers.pdf (1 page)(376940 bytes) Wigglers Opposition.pdf (4 pages)(1512934 bytes)
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Signature	/shf/
Name	Susan H. Frohling
Date	06/04/2007

CHART OF TAGGED RECORDS

Federal

Ref#.	Trademark/SN/RN	Disclaimer	Brief Goods/Services	Owner	Status/Status Date
Q3 I-1	JIGGLERS RN:1,652,451		(Int'l Class: 21) Molds and cutters for shaping gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield Illinois, 60093	Renewed 8 & 15 July 30, 2001
Q3 I-2	JIGGLERS RN:1,758,773		(Int'l Class: 18) Printed recipes	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield Illinois, 60093	Renewed 8 & 15 March 9, 2003
Q3 I-3	JIGGLERS RN:1,771,881		(Int'l Class: 30) Sweetened gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield Illinois, 60093	Renewed 8 & 15 May 18, 2003
Q3 I-4	JIGGLERS RN:2,101,803		(Int'l Class: 30) Flavored and sweetened gelatin pieces	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield Illinois, 60093	Registered 8 & 15 September 2, 2003
Q3 I-5	CREEPY JIGGLERS RN:2,139,686		(Int'l Class: 21) Molds and cutters for shaping gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield Illinois, 60093	Registered 8 & 15 June 28, 2003
Q3 I-6	EGG JIGGLERS RN:2,170,144	"EGG"	(Int'l Class: 21) Molds and cutters for shaping gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield Illinois, 60093	Registered 8 & 15 October 30, 2003

JIGGLERSF-1
Federal

Status: Renewed 8 & 15, July 30, 2001

Affidavit(s): 8 & 15, November 19, 1998

Goods/Services:

Int'l Class: 21 (U.S. Class: 13)

Molds and cutters for shaping gelatin

First Use: February, 1990

In Commerce: February, 1990

Most Recent Owner:

Kraft Foods Holdings, Inc. (Delaware Corp.)

APPLICATION/REGISTRATION INFO

Serial No.: 74-088576

Registration No.: 1,652,451

Filed: August 16, 1990

Published: May 7, 1991

Registered: July 30, 1991

Renewed: July 30, 2001

ADDITIONAL INFO

Correspondent:

Susan H. Frothing

Kraft Foods Holdings, Inc.

Three Lakes Drive

Northfield, IL 60093L

TTAB

Opposition:	91113415	Filed: October 16, 1998
Plaintiff:	Kraft Foods, Inc.	
SN/RN:	SN:74088576 - RN:1652451	
Mark(s):	JIGGLERS	
Defendant:	Wsp Marketing International Ltd.	
SN/RN:	SN:75138539	
Mark(s):	GIGGLE	
Status:	Terminated, September 29, 1999	
Decision:	Sustained, September 2, 1999	
Comments:	Withdrawal of application	

Opposition:	91099053	Filed: September 14, 1995
Plaintiff:	Kraft Foods, Inc.	
SN/RN:	SN:74088576 - RN:1652451	
Mark(s):	JIGGLERS	
Defendant:	Toymax, Inc.	
SN/RN:	SN:74452157	
Mark(s):	WIGGLER JIGGLER	
Status:	Terminated, May 1, 1996	
Decision:	Sustained, May 1, 1996	

OWNER INFORMATION

2nd New Owner After Registration:

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

1st New Owner After Registration:

Kraft Foods, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 60093

Registrant/ Applicant:

Kraft General Foods, Inc. (Delaware Corp.)
Kraft Court
Glenview, Illinois 60025

Owner At Publication:

Kraft General Foods, Inc. (Delaware Corp.)
Kraft Court
Glenview, Illinois 60025

ASSIGNMENT HISTORY**Assignee:**

Kraft Foods Holdings, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 60093

Assignor:

Kraft Foods, Inc. (Delaware Corp.)

Recorded: January 27, 2000

Assigned: December 26, 1999

Reel/Frame: 2040/0212

Action: Assigns the entire interest
and goodwill

Assignee:

Kraft Foods, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 60093

Assignor:

Kraft General Foods, Inc. (Delaware Corp.)

Recorded: January 17, 1995

Assigned: January 4, 1995

Reel/Frame: 1290/0280

Action: Change of name (see
document for details.)

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JIGGLERS1-2
Federal

Status: Renewed 8 & 15, March 9, 2003

Affidavit(s): 8 & 15, May 11, 1998

Goods/Services:

Int'l Class: 16 (U.S. Class: 37)

Printed recipes

First Use: March, 1990

In Commerce: March, 1990

Most Recent Owner:

Kraft Foods Holdings Inc. (Delaware Corp.)

APPLICATION/REGISTRATION INFO

Serial No.: 74-233134

Registration No.: 1,756,773

Filed: December 23, 1991

Published: December 15, 1992

Registered: March 9, 1993

Renewed: March 9, 2003

ADDITIONAL INFO

Add'l U.S. Reg. No.(s): 1,852,451

Correspondent:

Jacqueline A Leimer
Kraft Foods Holding, Inc.
Three Lakes Dr.
Northfield, Ill 60093**OWNER INFORMATION**

2nd New Owner After Registration:

Kraft Foods Holdings Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 60093

1st New Owner After Registration:

Kraft Foods, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 60093

Registrant/ Applicant:

Kraft General Foods, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 600932758

Owner At Publication:

Kraft General Foods, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 600932758**ASSIGNMENT HISTORY**

Assignee:

Kraft Foods Holdings, Inc. (Delaware Corp.)
Three Lakes Drive
Northfield, Illinois 60093

Assignor:

Kraft Foods, Inc. (Delaware Corp.)

Recorded: January 27, 2000

Assigned: December 25, 1999

Reel/Frame: 2040/0212

Action: Assigns the entire interest
and goodwill

Assignee:

Recorded: January 17, 1995

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Assignor:

Kraft General Foods, Inc. (Delaware Corp.)

Assigned: January 4, 1995

Reel/Frame: 1290/0260

Action: Change of name (see
document for details.)

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JIGGLERSI-3
Federal

Status: Renewed 8 & 15, May 18, 2003

Affidavit(s): 8 & 15, August 15, 1998

Goods/Services:

Int'l Class: 30 (U.S. Class: 46)

Sweetened gelatin

First Use: March, 1990

In Commerce: March, 1990

Most Recent Owner:

Kraft Foods Holdings, Inc. (Delaware Corp.)

APPLICATION/REGISTRATION INFO.

Serial No.: 74-237873

Registration No.: 1,771,681

Filed: January 15, 1992

Published: January 19, 1993

Registered: May 18, 1993

Renewed: May 18, 2003

ADDITIONAL INFO.

Add'l U.S. Reg. No.(s): 1,652,451

Correspondent:

Jacqueline A. Leimer

Kraft Foods Holdings, Inc.

Three Lakes Drive

Northfield, Ill 60093

OWNER INFORMATION**2nd New Owner After Registration:**

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

1st New Owner After Registration:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Registrant/ Applicant:

Kraft General Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932758

Owner At Publication:

Kraft General Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932758

ASSIGNMENT HISTORY**Assignee:**

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Assignor:

Kraft Foods, Inc. (Delaware Corp.)

Recorded: January 27, 2000

Assigned: December 26, 1999

Reel/Frame: 2040/0212

Action: Assigns the entire interest
and goodwill**Assignee:**

Recorded: January 17, 1995

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Assignor:

Kraft General Foods, Inc. (Delaware Corp.)

Assigned: January 4, 1995

Reel/Frame: 1290/0280

Action: Change of name (see
document for details.)

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JIGGLERS

1-4
Federal

Status: Registered 8 & 15, September 2, 2003

Affidavit(s): 8 & 15, September 2, 2003

Goods/Services:

Int'l Class: 30 (U.S. Class: 46)

Flavored and sweetened gelatin pieces

First Use: April 3, 1995

In Commerce: April 3, 1995

Most Recent Owner:

Kraft Foods Holdings, Inc. (Delaware Corp.)

APPLICATION/REGISTRATION INFO.

Serial No.: 75-191023

Registration No.: 2,101,603

Filed: November 1, 1996

Published: July 8, 1997

Registered: September 30, 1997

ADDITIONAL INFO.

Add'l U.S. Reg. No.(s): 1,652,451, 1,771,661
and others

Correspondent:

Susan H Frohling

Kraft Foods Holdings Inc. Inc.

Three Lakes Drive

Northfield IL 60093-2753

OWNER INFORMATION

1st New Owner After Registration:

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

Registrant/ Applicant:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

Owner At Publication:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

ASSIGNMENT HISTORY

Assignee:

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Assignor:

Kraft Foods, Inc. (Delaware Corp.)

Recorded: January 27, 2000

Assigned: December 26, 1999

Reel/Frame: 2040/0212

Action: Assigns the entire interest
and goodwill

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CREEPY JIGGLERSI-5
Federal

Status: Registered 8 & 15, June 28, 2003

Affidavit(s): 8 & 15, June 28, 2003

Goods/Services:

Int'l Class: 21 (U.S. Class: 2, 13, 23, 29, 30, 33, 40, 50)

Molds and cutters for shaping gelatin

First Use: October, 1995

In Commerce: October, 1995

Most Recent Owner:

Kraft Foods Holdings, Inc. (Delaware Corp.)

APPLICATION/REGISTRATION INFO.

Serial No.: 75-138362

Registration No.: 2,130,666

Filed: July 23, 1996

Published: February 11, 1997

Registered: February 24, 1998

ADDITIONAL INFO.

Additional Info:

Filed as intent to use - actual use claimed

Add'l U.S. Reg. No.(s): 1,552,451, 1,714,679,
1,766,773, 1,771,681, 2,018,176 and others

Correspondent:

Barton M. Zedd

Kraft Foods Holdings, Inc.

3 Lakes Dr

Northfield IL 60093

OWNER INFORMATION

1st New Owner After Registration:

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Registrant/ Applicant:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

Owner At Publication:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

ASSIGNMENT HISTORY

Assignee:

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Assignor:

Kraft Foods, Inc. (Delaware Corp.)

Recorded: January 27, 2000

Assigned: December 28, 1999

Reel/Frame: 2040/0212

Action: Assigns the entire interest
and goodwill

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EGG JIGGLERSI-6
Federal

Status: Registered 8 & 15, October 30, 2003

Affidavit(s): 8 & 15, October 30, 2003

Goods/Services:

Int'l Class: 21 (U.S. Class: 2, 13, 23, 28, 30, 33, 40, 50)

Molds and cutters for shaping gelatin

First Use: March 12, 1995

In Commerce: March 12, 1995

Most Recent Owner:

Kraft Foods Holdings, Inc. (Delaware Corp.)

APPLICATION/REGISTRATION INFO.

Serial No.: 75-139431

Registration No.: 2,170,144

Filed: July 24, 1996

Published: December 2, 1997

Registered: June 30, 1998

ADDITIONAL INFO.**Additional Info:**

Filed as intent to use - actual use claimed

Disclaimer: "EGG"

Add'l U.S. Reg. No.(s): 1,852,451, 1,714,679,
1,756,773, 1,771,681, 2,016,176 and others**Correspondent:**

Susan H Frohling

Kraft Foods Holdings Inc

3 Lakes Dr

Northfield IL 60093-2754

OWNER INFORMATION**1st New Owner After Registration:**

Kraft Foods Holdings Inc (Delaware Corp.)

3 Lakes Dr

Northfield, Illinois 60093

Registrant/ Applicant:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

Owner At Publication:

Kraft Foods, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 600932753

ASSIGNMENT HISTORY**Assignee:**

Kraft Foods Holdings, Inc. (Delaware Corp.)

Three Lakes Drive

Northfield, Illinois 60093

Assignor:

Kraft Foods, Inc. (Delaware Corp.)

Recorded: January 27, 2000

Assigned: December 26, 1999

Reel/Frame: 2040/0212

Action: Assigns the entire interest
and goodwill

WIGGLERS

Federal

Status: Published - Request for Extensions of Time to
TTAB, January 4, 2007

Goods/Services:

Int'l Class: 29 (U.S. Class: 46)

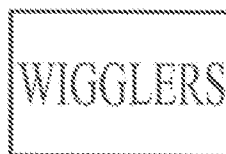
Yogurt, yogurt-based beverages; dairy-based snack foods,
excluding ice cream, ice milk, and frozen yogurt; dairy-
based beverages, dairy products excluding ice cream, ice
milk and frozen yogurt

Int'l Class: 32 (U.S. Class: 45, 46, 48)

Fruit juices and fruit drinks; fruit-based beverages with
yogurt; smoothies; soft drinks

Most Recent Owner:

Dannon Company, Inc., The (Delaware Corp.)



[Click to enlarge](#)

APPLICATION/REGISTRATION INFO.

Serial No.: 78-859888

Filed: April 12, 2006

Published: December 5, 2006

ADDITIONAL INFO.

Additional Info:

Filed as intent to use

Correspondent:

Perla M. Kuhn
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004-1462

Law Office Assigned: Law office 105

Location Date: October 31, 2006

OWNER INFORMATION

Owner At Publication:

Dannon Company, Inc., The (Delaware Corp.)
100 Hillside Avenue, Floor 3
White Plains, New York 106032863

Applicant:

Dannon Company, Inc., The (Delaware Corp.)
100 Hillside Avenue, Floor 3
White Plains, New York 106032863

MARKS WITH SIMILAR OWNERSHIP

DANNON COMPANY, INC., THE (DELAWARE CORP.) (or related entities)

DANIMALS WIGGLERS

DANIMALS WIGGLERS (Stylized)

WIGGLERS (Stylized)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Kraft Foods Holdings, Inc.)	
)	
Opposer,)	
)	Serial No. 78/859988
v.)	
)	
The Dannon Company, Inc.)	
)	
Applicant,)	

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sirs:

In the matter of the trademark application of The Dannon Company, Inc. for registration of the mark WIGGLERS in Class 29 for "yogurt, yogurt-based beverages; dairy-based snack foods, excluding ice cream, ice milk, and frozen yogurt; dairy based beverages, dairy products excluding ice cream, ice milk and frozen yogurt," and in Class 32 for "fruit juices and fruit drinks; fruit based beverages with yogurt; smoothies and soft drinks", Application No. 78/859988 filed April 12, 2006 published in *Official Gazette* of December 5, 2006.

Opposer, Kraft Foods Holdings, Inc., a Delaware corporation, believes it will be damaged by registration of the mark shown in the application and, therefore opposes the registration of this trademark.

As grounds for this opposition Opposer states as follows:

CLAIM – SECTION 2(d)

1. For more than fifteen years prior to applicant's filing date, Opposer has been engaged in the manufacture and sale of food products throughout

the United States including a line of gelatin and gelatin related products sold under the JIGGLERS trademark.

2. By virtue of the excellence of Opposer's JIGGLERS products and extensive promotional activities and sales thereof, the JIGGLERS mark has gained a tremendous amount of goodwill such that the public has come to identify the business and products denominated by the JIGGLERS mark as those of Opposer.
3. Opposer owns several registrations in the United States Patent and Trademark Office for the JIGGLERS trademark, including:

Ref #	Trademark/SN/RN	Disclaimer	Brief Good/Services	Owner	Status/Status Date
Q3 f-1	<u>JIGGLERS</u> RN:1,652,451		(Int'l Class: 21) Molds and cutters for shaping gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield, Illinois 60093	Renewed 8 & 15 July 30, 2001
Q3 f-2	<u>JIGGLERS</u> RN: 1,756,773		(Int'l Class: 16) Printed recipes	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield, Illinois 60093	Renewed 8 & 15 March 9, 2003
Q3 f-3	<u>JIGGLERS</u> RN:1,771,681		(Int'l Class: 30) Sweetened gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield, Illinois 60093	Renew 8 & 15 May 18, 2003
Q3 f-4	<u>JIGGLERS</u> RN:2,101,603		(Int'l Class: 30) Flavored and Sweetened gelatin Pieces	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield, Illinois 60093	Registered 8 & 15 September 2, 2003
Q-3 f-5	<u>CREEPY JIGGLERS</u> RN:2,139,686		(Int'l Class: 21) Molds and cutters for shaping gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield, Illinois 60093	Registered 8 & 15 June 28, 2003
Q-3 f-6	<u>EGG JIGGLERS</u> RN:2,170,144	"EGG"	(Int'l Class: 21) Molds and cutters for shaping gelatin	Kraft Foods Holdings, Inc. (Delaware Corp.) Three Lakes Drive Northfield, Illinois 60093	Registered 8 & 15 October 30, 2003

Said registrations are maintained on the Principal Register by the United States Patent and Trademark Office and are valid and subsisting in the name of Opposer. Copies of these registrations are attached hereto as Exhibit A.

4. Applicant has applied to register WIGGLERS for "yogurt, yogurt-based beverages; dairy-based snack foods, excluding ice cream, ice milk, and

frozen yogurt; dairy based beverages, dairy products excluding ice cream, ice milk and frozen yogurt" in Class 29 and for "fruit juices and fruit drinks; fruit based beverages with yogurt smoothies and soft drinks" in Class 32; (a copy of this application is attached as Exhibit B). Such dairy snack products are closely related to the goods sold by Opposer or may be purchased for the same reasons and consumed by the same persons on the same occasions as in the case of Opposer's JIGGLERS products.

5. The mark applicant seeks to register, WIGGLERS, is confusingly similar to the JIGGLERS trademark in sight, sound and meaning. Indeed, JIGGLERS and WIGGLERS share seven letters in common, differentiated only by the respective first letters.
6. Registration of the WIGGLERS mark by applicant in connection with its goods is thus likely to cause confusion or mistake or deceive consumers or potential consumers with respect to Opposer and its JIGGLERS products in that purchasers or potential purchasers of Opposer's goods, upon encountering applicant's goods offered under the WIGGLERS mark, will believe, and will be justified in believing, that the goods offered by applicant under its confusingly similar mark are in fact those of Opposer, or are related to or are associated with or sponsored by Opposer, thereby creating a likelihood of confusion, mistake, or deception.
7. Any defects, inadequacies or fault found with applicant's goods sold under the WIGGLERS mark would, because of the similarity of that mark to Opposer's JIGGLERS trademark, reflect upon Opposer and seriously injure the reputation that Opposer has established for the products that it offers under the JIGGLERS trademark.
8. A triplicate of this Notice of Opposition is enclosed. Please charge any costs to Opposer's Deposit Account No. 11-1650.

wherefore, Opposer believes it will be damaged by the registration of the claimed trademark in Application Serial No. 78/859988 in Classes 29 and 32 and requests that such registration be denied.

Respectfully submitted,

By: _____

Susan H. Frohling
Senior Trademark Counsel
Attorney for the Opposer
Kraft Foods Holdings, Inc.
Three Lakes Drive
Northfield, Illinois 60093
(847) 646-8657

Date: _____